

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FREDERICK P. PATTERSON,)	4:09CV3139
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
ROBERT HOUSTON,)	
)	
Respondent.)	

Petitioner filed a Petition for Writ of Habeas Corpus on July 6, 2009. (Filing No. [1](#)). The Petition challenges multiple convictions on due process and equal protection grounds. Specifically, Petitioner alleges there is insufficient evidence to support his convictions, and also asserts “all of the claims [he raised] in the state courts on direct appeal and [in his Motion for Post-Conviction Relief].” (*Id.* at CM/ECF pp. 3-4.) Petitioner does not specify the claims he raised in the state courts; rather, for a description of these claims, he refers the court to paragraphs four and five of his Petition, a state court opinion, and the 39 pages of attachments he filed with his Petition. *Id.*

The court must conduct an initial review of the Petition to determine whether the claims made by Petitioner are, when liberally construed, potentially cognizable in federal court. The Petition must “substantially follow either the form appended to [the] rules, or a form prescribed by a local district-court rule.” See [Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts](#).

The pending Petition for Writ of Habeas Corpus (filing no. [1](#)) is deemed insufficient and the court will not act upon it. Petitioner did not use a Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody, and his Petition does not clearly indicate the grounds alleged. If Petitioner would like the court to consider the claims he raised in the state courts, Petitioner must specify these grounds and the facts supporting each ground. Thus, on its own motion, the court will grant

Petitioner 30 days to amend his Petition using the Form AO 241. Failure to adequately comply with this order may result in dismissal of the Petition without further notice.

IT IS THEREFORE ORDERED that:

1. The pending Petition for Writ of Habeas Corpus (filing no. [1](#)) is deemed insufficient and the court will not act upon it.
2. On or before September 29, 2009, Petitioner must submit a signed Amended Petition for Writ of Habeas Corpus. In the Amended Petition, Petitioner must specify the grounds for relief, the facts supporting each ground, and the relief requested. Failure to comply with this order may result in dismissal of the Petition without further notice.
3. The Clerk of the court is directed to send Petitioner a Form AO241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.
4. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: September 29, 2009: deadline for Petitioner to submit Amended Petition.

September 1, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge

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